

To: Lohr, Gabriel[gabriel.lohr@sol.doi.gov]; Davis, Justin[justin_davis@ios.doi.gov]
Cc: Debra Moore[debra.moore@boem.gov]
From: Alcantara, Natasha
Sent: 2017-12-27T11:59:55-05:00
Importance: Normal
Subject: Re: FW: Cause of Action v. DOI, 16-2262 (CRC)
Received: 2017-12-27T12:01:20-05:00
[17-2262 Vaughn Index Draft.xlsx](#)

Gabe and Justin,

Ahead of our meeting tomorrow, I am sharing the draft Vaughn for BOEM's portion so you know where I am at (I plan to review again tomorrow).

- I made the choice to include the parent emails where they only asked about an attachment (or one page of an attachment), but we can make the choice to leave them out, too.
- Item 3 concerns a conference call number and passcode (Justin, can you verify this page was included by Plaintiffs)
- Items 23-25 are pending DoD input on their assessment (Gabe I will send them a follow up email before I leave tomorrow).
- • Item 12 is DPP, a draft memo that was ultimately not signed or incorporated into the decision-making process.
- The remaining documents identified by Plaintiffs contain or incorporate SOL concerns, feedback, and/or edits to the Proposed Program, Summary, handling of the DoD Assessment, and/or Public Affairs roll-out guidance and are protected by DP/AC/AWP.
 - Item 4 also contains a small amount of Ex 6 info).

Justin, I think the hardest part will be you having to combine our Vaughn's and ensuring the page numbers are correct from the combined files you have. I verified I included all of the pages that you sent me in your earlier email.

To hopefully make this easier, after I finish my review tomorrow, I will send each of you a DVD through interoffice mail that contains the Vaughn (hyperlinked), and two folders (redacted and unredacted versions of the documents).

Gabe, should we add in a column for page counts?

After tomorrow, I will be OoO until 01/08/2018 and won't have access to email during that time. I have included Debra who will be brought up to speed to assist with any questions while I am out.

Can you both please send me your Mail Stops?

Gabe, do you also want me to run this by Gurney?

Talk to you both tomorrow.

Tasha

Natasha Alcantara
Freedom of Information Act Officer/Public Liaison
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tel: 703-787-1818

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On Mon, Dec 18, 2017 at 1:11 PM, Lohr, Gabriel <gabriel.lohr@sol.doi.gov> wrote:

Great.

Since this seems pretty straightforward, let's put together a quick Vaughn. (b) (5)

So, if you two could work together to fill in the attached Vaughn, I'd appreciate it. I started the first line for you, and left the remainder in as samples.

A few notes on formatting:

Date

- if the document has a date on it, use that, even if it's a month.
- If it does not have a date, use best estimates. Use the date of the transmittal email, for example.

Subject column

- 1) Include the title of the document or email, unlike some of the samples in this index. The first time you reference a document or email title, you should reference the full title of the document, even if that looks a bit long in the index. After that you can use an abbreviation. If it's a draft of the 5-year plan, I also want to see a reference in the document description line to the "version" of the document (i.e. January 2016, May 2016). I also want to see a brief description of the subject of the email or document (e.g. email transmitting SOL's red-line markup.)
- 2) For emails, include the entirety of the subject line, even if it's mundane (e.g. "FWD: RE: RE: FWD: DRAFT")
- 3) Attachments should generally be put on the line below the email - each attachment is a separate entry.

Author

Recipient

Exemption Cited

Pretty Straightforward. Use names, not email addresses. if unsure, you can say which office, or where the document came from. don't leave blank - at least add something

I can work with. Use the exemption format I provided. (b) (5)

Justification:

(b) (5)

For now let's fill in the chart completely. If we get repetitive language, we can extract it once we're further along.

I'm not going to pay attention to this until the 28th; take your time.

Thanks,

Gabe

Gabriel D. Lohr
Attorney-Advisor, Branch of General Legal Services
Division of General Law, Office of the Solicitor
U.S. Department of the Interior
(202) 513-0512
(202) 208-6475 (Fax)

On Mon, Dec 18, 2017 at 12:47 PM, Davis, Justin <justin_davis@ios.doi.gov> wrote:

The non-responsive pages in Tranche 7 for OS (pgs. 1143-1144) and Tranche 8 (pgs. 434, 451, and 460) were draft document pages that I could not delete from the file.

On Mon, Dec 18, 2017 at 12:30 PM, Lohr, Gabriel <gabriel.lohr@sol.doi.gov> wrote:

Tasha and Justin,

What about the pages allegedly marked as Non-responsive? Are the redactions correct but mislabelled? Please explain briefly.

Thanks,

Gabe

Gabriel D. Lohr
Attorney-Advisor, Branch of General Legal Services
Division of General Law, Office of the Solicitor
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On Mon, Dec 18, 2017 at 12:16 PM, Alcantara, Natasha <natasha.alcantara@boem.gov> wrote:

Gabe,
I glanced over these real fast and will reanalyze the docs for BOEM, but I think we are okay (b) (5)

The only area where I am unsure is with (b) (5) Do you have a few minutes to talk?

Tasha

Natasha Alcantara
Freedom of Information Act Officer/Public Liaison
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On Mon, Dec 18, 2017 at 11:21 AM, Davis, Justin <justin_davis@ios.doi.gov> wrote:

Hi Natasha,
So I've attached the pertinent BOEM docs along with page #s the plaintiff wants to have reviewed below.
Tranche 4: Combined WIP pgs. 4-7, 9-10, 12-15
Tranche 5: BOEM Tranch 5 (Combined) pgs. 625-626
Tranche 7: BOEM Production #7 Combined pgs. 517, 736
Tranche 8: OS-16-00435 Tranche #8 (BOEM) pgs. 69-80, 124, 145-147, 296-310
Tranche 9: OS-16-00435 Tranche #9 (BOEM) pgs. 271, 1476-1480, 1798-1811, 1814-1830, 1846-1851
Tranche 10: OS-16-00435 Tranche #10 pgs. 156-160, 162-194, 241-260, 262-278, 451-488.

Let me know if you have any questions.

Thanks,

Justin

BOEM Docs for Cause of Action

On Thu, Dec 14, 2017 at 6:04 PM, Davis, Justin <justin_davis@ios.doi.gov> wrote:

Hi Natasha,

So I had a chance to go over the pages in each tranche that were mentioned above and I have found the following breakdowns:

OS Material

- OS 16 00435 Tranche 1 pages 265, 266, 267, 269, 271, 273, 275, 277, 278, and 279
 - OS 16 00435 Tranche 4 pages 225 226
- OS 16 00435 Tranche 7 pages 1143 1144, 1382, and 1443
- OS 16 00435 Tranche 8 pages 395 396, 434, 451, and 460.

BOEM Material

- OS-16-00435-Tranche 4 pages 2024 2027, 2029 2030, 2032 - 2035;
- OS-16-00453-Tranche 5 pages 625 626;
- OS-16-00453-Tranche 7 pages 1382, 1443, 1661, and 1880;
- OS-16-00453-Tranche 8 pages 529 540, 584, 605 607, 756 770;
- OS-16-00453-Tranche 9 pages 271, 1476 1480, 1798 1811, 1814 1830, 1846 1851; and
- OS-16-00453-Tranche 10 pages 156 160, 162 194, 241 260, 262 278, 451 488.

When I get in tomorrow I'll go through and get you a clearer delineation of the pg #s in the BOEM documents as far as they relate to the BOEM only files that you sent over to OS for production.

On Wed, Dec 13, 2017 at 10:46 AM, Alcantara, Natasha <natasha.alcantara@boem.gov> wrote:

Gabe,

I reviewed the status reports and have no concerns.

Justin,

We can get started ASAP if you want to send me BOEM's parts.

V/r,

Natasha

Natasha Alcantara
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On Wed, Dec 13, 2017 at 10:40 AM, Lohr, Gabriel <gabriel.lohr@sol.doi.gov> wrote:

All,

Please see the draft JSR from Plaintiff below.

Please review the status report and let me know ASAP if you have any concerns about filing a JSR on January 30, 2017. Based on our prior conversations, I'll assume the answer is no, but I would like an email even if there are no concerns.

I will send out instructions about the upload folders at a later time. Please disregard them for now. I was going to send instructions but I am pressed for time by other matters.

Justin if you could call me at your convenience I'd appreciate it.

Thanks,

Gabe

Gabriel D. Lohr
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----- Forwarded message -----

From: **Sroka, Scott (USADC)** <Scott.Sroka@usdoj.gov>
Date: Wed, Dec 13, 2017 at 8:21 AM
Subject: FW: Cause of Action v. DOI, 16-2262 (CRC)
To: "Lohr, Gabriel" <gabriel.lohr@sol.doi.gov>

Hi Gabe,

This came from Plaintiff's counsel. Let's discuss when you have a minute.

Thanks,

Scott

Scott L. Sroka

Assistant United States Attorney

(202) 252-7113

From: Lee Steven [mailto:lee.steven@causeofaction.org]

Sent: Tuesday, December 12, 2017 4:05 PM

To: Sroka, Scott (USADC) <SSroka@usa.doj.gov>

Subject: RE: Cause of Action v. DOI, 16-2262 (CRC)

Scott:

I apologize for taking so long to get our list of questions/issues to you, but some internal issues kept us from completing our review until now. Below we outline two areas of concern which we hope the agency will consider. If you or the agency have questions, please do not hesitate to contact me to discuss. With respect to the JSR due this Friday, I propose that we simply state that Plaintiff has provided Defendant with a list of questions and issues regarding the productions, which the Agency is considering, and that we will provide a further JSR by the end of January. That date, of course, is flexible. I have attached a draft for your consideration.

Here are the issues we have:

- The Agency redacted certain information in released records as “not responsive” and or “nonresponsive.” As we understand the current law, those redactions are not allowed. The D.C. Circuit determined in *American Immigration Lawyers Association v. EOIR*, 830 F. 3d 667, that redactions of non-responsive information “find no home in FOIA’s scheme”. *Id.* at 677. The Court stated that “once an agency identifies a record it deems responsive to a FOIA

request, the statute compels disclosure of the responsive record i.e., as a unit except insofar as the agency may redact information falling within a statutory exemption.” *Id.*

We have identified the following redactions as being improper under *American Immigration Lawyers Association* and request release of the records in full or, if applicable, released with an appropriate recognized exemption redaction under the FOIA:

- OS-16-00435-Tranche 1 pages 265, 266, 267, 269, 271, 273, 275, 277, 278, and 279;
 - OS-16-00435-Tranche 7 pages 1143 -1144; and
 - OS-16-00435-Tranche 8 pages 434, 451, and 460.
-
- We also seek clarification on several redactions made throughout the releases where the reason for the redaction is either unclear or the application of the redaction appears to have not been made with an attempt to segregate portions of the record that may be released from those that are exempt, as follows:
 - OS-16-00435-Tranche 4 pages 225 226, 2024 2027, 2029 2030, 2032 - 2035;
 - OS-16-00453-Tranche 5 pages 625 626;
 - OS-16-00453-Tranche 7 pages 1382, 1443, 1661, and 1880;
 - OS-16-00453-Tranche 8 pages 395 396, 529 540, 584, 605 607, 756 770;
 - OS-16-00453-Tranche 9 pages 271, 1476 1480, 1798 1811, 1814 1830, 1846 1851; and
 - OS-16-00453-Tranche 10 pages 156 160, 162 194, 241 260, 262 278, 451 488.

Lee A. Steven | Assistant Vice President

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